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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, )  
10 v. ) 2:11-CR-168-KJD-(GWF)  
11 ERNESTO LUCERO, )  
12 Defendant. )

13 **AMENDED FINAL ORDER OF FORFEITURE**

14 On May, 2, 2012, the United States District Court for the District of Nevada entered a  
15 Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States  
16 Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), based upon the plea of  
17 guilty by defendant ERNESTO LUCERO to the criminal offenses, forfeiting specific property alleged  
18 in the Superseding Criminal Indictment and agreed to in the Plea Memorandum and shown by the  
19 United States to have the requisite nexus to the offense to which defendant ERNESTO LUCERO pled  
20 guilty. Superseding Criminal Indictment, ECF No. 15; Change of Plea Minutes, ECF No. 42; Plea  
21 Memorandum, ECF No. 43; Preliminary Order of Forfeiture, ECF No. 44.

22 This Court finds the United States of America ("United States") published the notice of the  
23 forfeiture in accordance with the law via the official government internet forfeiture site,  
24 www.forfeiture.gov, consecutively from May 8, 2012, through June 6, 2012, further notifying all  
25 known third parties by personal service, of their right to petition the Court. Notice of Filing Proof of  
26 Publication, ECF No. 46. Notice of Filing Service of Process, ECF No. 49.

1 On June 29, 2012, The United States Marshals Service personally served Victor Smith with the  
2 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process, ECF No. 49.

3 On July 2, 2012, Victor Smith filed a Claim (ECF No. 47) with the Court. On September 4,  
4 2012, Victor Smith filed a Motion to Withdraw Claim (ECF No. 53). On September 4, 2012, a  
5 Petition, Stipulation for Return of Property and Order (ECF No. 52) was filed with the Court. On  
6 September 7, 2012, the Order Granting the Petition, Stipulation for Return of Property was entered  
7 (ECF No. 55).

8 This Court finds no other petition was filed herein by or on behalf of any person or entity and  
9 the time for filing such petitions and claims has expired.

10 This Court finds no petitions are pending with regard to the assets named herein and the time  
11 for presenting such petitions has expired.

12 The United States does not have custody of the Phoenix Arms Co., Model HP22, .22 caliber  
13 semi-automatic handgun, serial number 4164586 listed in the Preliminary Order of Forfeiture (ECF  
14 No. 44) and the Final Order of Forfeiture (ECF No. 59) as the Las Vegas Metropolitan Police  
15 Department returned the firearm to the owner.

16 The United States' forfeited interest and rights in the Phoenix Arms Co., Model HP22, .22  
17 caliber semi-automatic handgun, serial number 4164586 listed in the Preliminary Order of Forfeiture  
18 and the Final Order of Forfeiture have expired.

19 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United  
20 States' interest and rights expired in:

- 21 a. Phoenix Arms Co., Model HP22, .22 caliber semi-automatic handgun, serial  
22 number 4164586.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the above-named firearm  
24 does not revert to ERNESTO LUCERO, and/or any person acting in concert with him and/or on his  
25 behalf.

26 . . .

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all right, title, and interest  
2 in the property hereinafter described is condemned, forfeited, and vested in the United States pursuant  
3 to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18, United States Code,  
4 Section 924(d)(1) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code,  
5 Section 853(n)(7) and shall be disposed of according to law:

- 6 a. Smith & Wesson, .22 caliber revolver, serial number K127962; and  
7 b. any and all rounds of ammunition.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,  
9 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any  
10 income derived as a result of the United States' management of any property forfeited herein, and the  
11 proceeds from the sale of any forfeited property shall be disposed of according to law.

12 The Clerk is hereby directed to send copies of this Order to all counsel of record and three  
13 certified copies to the United States Attorney's Office.

14 DATED this 7th day of January, 2014.

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UNITED STATES DISTRICT JUDGE  
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